

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated June 16, 2008. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

As outlined above, claims 1-25 stand for consideration in this application, wherein claims 1-24 are being amended.

All amendments to the application are fully supported therein. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### 35 U.S.C. §112, Second Paragraph, Rejection

Claims 5 and 16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As set forth above, claims 5 and 16 are being amended so as to meet the requirements under 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of this rejection of claims 5 and 16 is respectfully requested.

#### Prior Art Rejections

##### 35 U.S.C. §102(a) Rejection

Claims 1-5, 7-16, 18, and 23-24 were rejected under 35 U.S.C. §102(a) as being anticipated by Albert et al. (U.S. Pat. No. 6,549,516 B1).

Applicants respectfully submit that the rejection incorrectly cites Albert under 35 U.S.C. §102(a). According to MPEP §2132.01, when the reference is a U.S. patent published within the year prior to the application filing date, a 35 U.S.C. 102(e) rejection should be made. Here, the U.S. filing date of Albert (U.S. Pat. No. 6,549,516 B1) is July 2, 1999, and its issue date is April 15, 2003, both of which are prior to the priority date of the present application, namely April 17, 2003. Thus, the basis of the rejection should be 35 U.S.C. §102(e), not 102(a) if Albert is properly cited as prior art.

According to the M.P.E.P. §2131, a claim is anticipated under 35 U.S.C. §102 (a), (b), and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

#### Claim 1

First, in an information processing system as recited in claim 1, a plurality of server modules and a storage module are interconnected via a network.

In contrast, Albert merely shows that clients and servers are connected via a network. (col. 6, lines 55-57 and Fig. 2A.) In Albert, although a forwarding agent 302 has stored the fixed affinity corresponding to the flow from the client the host in a fixed affinity database 303, the forwarding agent and servers are NOT interconnected via the network, but are connected outside the network. (See col. 6, lines 55-57, col. 13, lines 16-18, and Figs. 2A and 3C.)

Second, in an information processing system as recited in claim 1, the storage module compares the configuration information about each of the server modules transmitted by said configuration information transmission units with the system configuration information retained by said system configuration information retention database, and gives, in accordance with results of comparison, a host name, which is unique to the information processing system, to at least one server module from which the configuration information is transmitted, assigns a service included in the system configuration information to the at least one server module, transmits data for executing the service included in the system configuration information, and updates the number of server modules to which said service, which is included in said system configuration information, is to be assigned.

In contrast, Albert merely shows that a client sends a data packet to the forwarding agent to a host and the forwarding agent stores the fixed affinity corresponding to the flow from the client to the host in the fixed affinity database. Albert does not show or suggest the above-mentioned features recited in claim 1.

In sum, Albert does not show every element recited in claim 1. Accordingly, claim 1 is not anticipated by Albert.

#### Claims 7-9, 12, 18

Claims 7-9, 12, and 18 have substantially the same features as those of claim 1. As such, the arguments set forth above are equally applicable here. Claim 1 being allowable, claims 7-9, 12, and 18 must also be allowable.

#### Claims 2-5, 10, 11, 13-16, 23, 24

As to dependent claims 2-5, 10, 11, 13-16, 23, and 24, the arguments set forth above with respect to independent claims 1, 9, and 12 are equally applicable here. The corresponding base claim being allowable, claims 2-5, 10, 11, 13-16, 23, and 24 must also be allowable.

#### The First 35 U.S.C. §103(a) Rejection

Claims 6 and 17 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Albert in view of Ashok et al. (U.S. Pat. No. 2004/0003063 A1). Applicants respectfully traverse this rejection for the reasons set forth below.

As set forth above, Albert fails to teach all the elements recited in claims 1 and 12, from which claims 6 and 17 respectively depend. The secondary reference of Ashok fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Albert. Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claims 1 and 12, from which claims 6 and 17 depend.

Accordingly, claims 6 and 17 are not obvious in view of all the prior art cited.

#### The Second 35 U.S.C. §103(a) Rejection

Claims 19-22 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Albert in view of what was well known in the art at the time the invention was made. Applicants respectfully traverse this rejection for the reasons set forth below.

Claims 19 and 20 have substantially the same features as those of claim 1. As such, the arguments set forth above are equally applicable here. What was well known in the art at the time the invention was made fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Albert. Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claims 19 and 20.

Accordingly, claims 19-20 and dependent claims 21-22 are not obvious in view of all the prior art cited.

#### The Third 35 U.S.C. §103(a) Rejection

Claim 25 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Albert in view of what was well known in the art at the time the invention was made, and further in view of Ashok. Applicants respectfully traverse this rejection for the reasons set forth below.

As set forth above, Albert in view of what was well known in the art at the time the invention was made fails to teach all the elements recited in claim 20, from which claim 25 depends. The tertiary reference of Ashok fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Albert in view of what was well known in the art at the time the invention was made. Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claim 20, from which claim 25 depends by modifying Albert in view of what was well known in the art at the time the invention was made and Ashok.

Accordingly, claim 25 is not obvious in view of all the prior art cited.

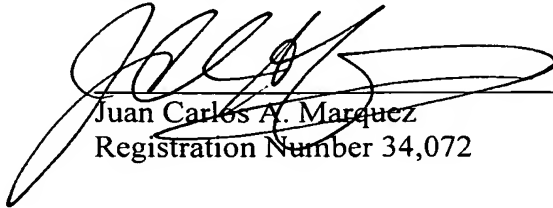
#### Conclusion

In light of the above Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the

prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,



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